



U.S. Department
of Transportation
**Federal Highway
Administration**

**Federal Highway Administration
California Division**

May 29, 2009

650 Capitol Mall, Suite 4-100
Sacramento, CA 95814
(916) 498-5001
(916) 498-5008 (fax)

In Reply Refer To:
HDA-CA
Document #: S52704

Mr. Will Kempton, Director
California Department of Transportation
1120 N Street
Sacramento, CA 95814

Attention: Federal Resources Office, M.S. 82
For Rachel Falsetti, Division of Transportation Programming

Dear Mr. Kempton:

SUBJECT: MTC FY 2008/09-2011/12 FTIP/FSTIP Amendment No. 2009-06

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) have completed our review of the Metropolitan Transportation Commission's (MTC) FY 2008/09-2011/12 Federal Transportation Improvement Program (FTIP) Amendment No. 2009-06 submitted by your letter dated May 12, 2009. MTC adopted Amendment No. 2009-07, as well as its conformity finding, on April 22, 2009. With that action, the MTC Commissioners approved the program modifications and made the determination that MTC's 2009 FTIP conforms to the applicable State Implementation Plan (SIP) for air quality. This amendment proposes to modify the source and/or amount of funding for 17 projects and adds 134 non-exempt projects into the 2009 FTIP and California's Federal Statewide Transportation Improvement Program (FSTIP) with a net change in funding of \$12.5 billion.

Per the July 15, 2004 *Memorandum of Understanding between the Federal Highway Administration, California Division, and the Federal Transit Administration, Region IX*, we accept the modifications to the FY 2008/09 – 2011/12 FSTIP for the MTC region in accordance with the Final Rule on Statewide and Metropolitan Transportation Planning published in the February 14, 2007 Federal Register. We find that the MTC FY 2008/09-2011/12 FTIP, including Amendment No. 2009-06, was developed through a continuing, cooperative, comprehensive transportation planning process in accordance with 23 U.S.C. §134 and 49 U.S.C. Chapter 53. The FTA Region IX office has concurred with the approval of this amendment which includes Transit Element projects.

In our letter to MTC dated May 29, 2009, the FHWA and the FTA made a joint air quality conformity determination for the 2035 Regional Transportation Plan and the 2009 FTIP Amendment #09-06. A joint FHWA/FTA air quality conformity determination for the 2009 FTIP



and 2035 RTP is required by the Environmental Protection Agency's (EPA) Transportation Conformity Rule, 40 CFR Parts 51 and 93 and the FHWA/FTA Metropolitan Planning Regulations, 23 CFR Part 450.

Based upon our review, we find the FTIP financial documentation submitted with Amendment #09-06 is financially constrained as required by the Federal surface transportation programs authorizing legislation and statewide and metropolitan planning and programming regulations. Accordingly, FHWA and FTA approve this amendment in accordance with 23 CFR 450. This letter also constitutes approval and inclusion of MTC's 2009 FTIP Amendment No. 2009-06 into California's 2009 FSTIP.

If you have any questions regarding this action, please call Stew Sonnenberg at (916) 498-5889 or Ted Matley at (415) 744-2590.

Sincerely,

/s/ Leslie T. Rogers

Leslie T. Rogers
Regional Administrator
Federal Transit Administration

/s/ K. Sue Kiser

For
Walter C. Waidelich, Jr.
Division Administrator
Federal Highway Administration

cc: (e-mail)

Therese McMillan, MTC

Sri Srinivasan, MTC

Ross McKeown, MTC

Ginger Vagenas, EPA

Ted Matley, FTA

Abhijit Bagde, Caltrans HQ

Muhaned Aljabiry, Caltrans HQ

Ms. Chun Tsung, Caltrans District 4

Mr. Michael Lim, Caltrans District 4

Ms. Sylvia Fung, Caltrans District 4

Jean Mazur, FHWA

(Other)

MTC FTIP Binder

ssonnenberg/ac



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Sincerely,



For
Walter C. Waidehlich, Jr.
Division Administrator
Federal Highway Administration

/s/ *Leslie T. Rogers*

Leslie T. Rogers
Regional Administrator
Federal Transit Administration

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